AQD EXHIBIT
4
PENGAD 800-631-6989

[Direct Testimony for Hearing regarding 20.11.3 NMAC, *Transportation Conformity*]

Slide 1: Caption

Thank you Madam Chair Upson, and members of the Board. My name is Neal Butt. I am an Environmental Health Scientist with the Air Quality Division, Control Strategies Section. I am here

IN THE MATTER OF THE PETITION TO AMEND 20.11.3 NMAC, *TRANSPORTATION CONFORMITY,* AND INCORPORATE SAID AMENDMENTS INTO THE NEW MEXICO STATE IMPLEMENTATION PLAN FOR AIR QUALITY(SIP) AQCB Petition No. 2012-4

SLIDE 2: What is transportation conformity?

Transportation conformity is a Clean Air Act (CAA) requirement that ensures that federally-funded highway and transit projects are consistent with, or "conform to" the state air quality implementation plan or "SIP". Transportation Conformity helps protect public health by requiring early consideration of the potential air quality impacts of transportation decisions made in places where air quality does not currently meet federal standards or has not met them in the past.

SLIDE 3: Reason for proposed amendments to 20.11.3 NMAC, *Transportation Conformity*

On March 14, 2012, the U.S. Environmental Protection Agency (EPA) promulgated changes to the transportation conformity rule, which became effective on April 13, 2012 [FR Vol. 77, No. 50, 14979-14988]. In response, and as required by EPA, the Air Quality Division, of the City of Albuquerque Environmental Health Department is proposing amendments to update the extant conformity regulation to comport with the federal rule.

SLIDE 4: EPA's Changes to Transportation Conformity

The most significant effect of the finalized federal rule amendments is that it restructures two sections of the conformity rule: 40 CFR 93.109, which is parallel to your Section 20.11.3.109 NMAC and 40 CFR 93.119, which is parallel to your Section 20.11.3.119 NMAC, so that the existing rule requirements will apply to areas designated for future new or revised NAAQS, thus reducing the need to amend the transportation conformity rule merely to reference specific new NAAQS. As a result of these changes, the conformity rule will apply to any new NAAQS that EPA establishes in the future. In addition, this rule also allows $PM_{2.5}$ areas with clean air quality data to take advantage of conformity flexibilities that are currently available only to ozone areas. A detailed comparison of the proposed transportation conformity rule restructuring amendments to the current rule is illustrated by the table generated by EPA as shown in AQD Exhibit # 7.

SLIDE 5: Request

This hearing has been legally noticed as shown by AQD Exhibit 2a, 2b, and 2c. There have not been any negative comments received regarding these proposed amendments, only a correction to the text suggested by EPA, shown as AQD Exhibit # 6, and incorporated into the staff proposed floor amendments shown as AQD Exhibit # 5.

Therefore, The Environmental Health Department of the City of Albuquerque, by and through the Air Quality Division (AQD), asks the Albuquerque-Bernalillo County Air Quality Control Board (Air Board) to adopt amendments to 20.11.3 NMAC, *Transportation Conformity,* as shown in AQD Exhibit # 1a and as amended by Staff Proposed Floor Amendments, shown as AQD Exhibit # 5, and submit said amendments to (EPA) as a revision to the SIP.

SLIDE 6

Questions

That concludes my presentation, and I request that exhibits # 1 through # 7 be moved into the record {"so moved"}; I stand for questions.